

IN THE UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO. 5:18-cv-541

WESTFIELD INSURANCE
COMPANY,

Plaintiff,

v.

COLIN CROSSMAN, DEANNA
CROSSMAN AND MT
CHARLESTON LANDLORD, LLC,

Defendants.

NOTICE OF VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE

NOW COMES the Plaintiff, Westfield Insurance Company (“Westfield”), pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure and hereby dismisses **without prejudice** its Complaint against Colin Crossman and Deanna Crossman **only**.

Upon serving Colin and Deanna Crossman with a copy of the Complaint, the undersigned was contacted by bankruptcy counsel for Colin and Deanna Crossman and was informed that the Crossmans had both commenced a Chapter 11 bankruptcy proceeding on September 20, 2018 (EDNC Case No. 18-04668-5-DMW). Accordingly, 11 U.S.C. 362 imposed an automatic stay on actions against the Crossmans.

Nothing contained in this filing is intended to preclude Westfield from proceeding in this action against MT Charleston Landlord, LLC.

This the 27th day of November, 2018.

/s/ Jeffrey B. Kuykendal
Jeffrey B. Kuykendal
McAngus, Goudelock & Courie, PLLC
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Charlotte, NC 28230
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the date above I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. Additionally, I deposited a copy of the same in an official depository of the U.S. Mail in a postage-paid envelope addressed as follows:

Colin Crossman
301 S. Academy Street
Cary, North Carolina 27511-3345

Deanna Crossman
301 S. Academy Street
Cary, North Carolina 27511-3345

MT Charleston Landlord, LLC
c/o Sierra Corporate Services – Las Vegas
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102

Further, I deposited a COURTESY copy of the same in an official depository of the U.S. Mail in a postage-paid envelope addressed as follows:

Kathleen O'Malley
Janvier Law Firm
311 E. Edenton Street
Raleigh, North Carolina 27601

/s/ Jeffrey B. Kuykendal
Jeffrey B. Kuykendal